

**In the United States District Court
for the Western District of Michigan**

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CLERK OF COURT
U.S. DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
BY: KB SCANNED BY: KB 12/14

1:21-cv-1051

**Hala Y. Jarbou
U.S. District Judge**

civil action number:

Amanda Lynne Tingay, Plaintiff

vs

UACJ Automotive Whitehall Industries Incorporated, Defendant

COMPLAINT AND JURY TRIAL DEMAND

Nature of action

This is a civil action to correct the unlawful employment practice of retaliation in violation of Title VII of the Civil Rights Act of 1964, as amended, U.S.C. § 2000e, et seq 9 ("titleVII") and title 1 of the civil rights act of 1991, 42 USC § 1981. This action seeks to provide appropriate relief to Amanda Lynne Tingay who was adversely affected by such practice,

The plaintiff, Amanda Lynne Tingay, contends that the defendant, Uacj Automotive Whitehall Industries Incorporated discriminated against her by denying her requested FMLA and wrongfully terminating her employment after she exercised her rights under Title VII by filing a charge with the Equal Employment Opportunity Commission.

Jurisdiction and Venue

Jurisdiction of this court is invoked pursuant to 28 U.S.C. §§ 451, 1331, 1337,

1343 and 1345. This action is authorized and instituted pursuant to Sections 703(a), 704(a),

706(f)(1), 706(f)(3), of Title VII of the Civil Rights Act of 1964, as amended, 42 U.S.C. §§

2000e-2(a), 2000e-3(a), 2000e-5(f)(1), 2000e-5(f)(3), and Section 102 of the Civil Rights Act of

1991, 42 U.S.C. §1981a.

2. The employment practices alleged to be unlawful were committed within the jurisdiction of the United States District Court for the Western District of Michigan.

Parties

3. Plaintiff, Amanda Tingay is a citizen of the United States and therefore entitled to the relief this action seeks.

4. At all relevant times, Defendant has continuously been and is now doing business in the State of Michigan and has continuously had at least fifteen (15) employees.

5. At all relevant times, Defendant has continuously been an employer engaged in an industry affecting commerce within the meaning of Sections 701(b), (g) and (h) of Title VII, 42 U.S.C. §§ 2000e-(b), (g) and (h).

General Allegations

6. In June of 2020, the plaintiff filed the EEOC charge # 471-2020-01628 against UACJ automotive Whitehall Industries Incorporated, alleging discrimination based on sexual harassment and retaliation.

7. Once the plaintiff made her EEOC complaint and UACJ Whitehall was made aware of the complaint. Retaliatory actions took place against the plaintiff.

8. The plaintiff was moved to a different location at work. Given a different job assignment.

9. The plaintiff was disciplined for reasons that were beyond her control.

10. The plaintiff was unrightfully denied her lawful FMLA request and terminated.

11. Until her complaint charge made to the EEOC was made public to UACJ Whitehall, Amanda Tingay's work performance remained satisfactory.

12. Upon the fact that UACJ Whitehall was made aware of the sexual harassment and retaliation charges made against them by Amanda Tingay the corporation began to relocate her, inappropriately discipline her with bogus write-ups or discipline points, denying her FMLA leave and ultimately wrongfully terminating her.

First Claim of Relief

(Retaliation)

13. Since June, 2020, Defendant has engaged in retaliatory practices in violation of section 704 (a) of title VII, 42 USC §2000e-3(a) by denying her FMLA request and suspending the employment of Amanda Tingay because she opposed discriminatory practices and participated in an EEOC investigation.

14. The effect of the events described above has been to deprive Mrs. Tingay of equal employment opportunities in retaliation for exercising her federally protected rights.

15. The unlawful employment practices described above were intentional.

16. The unlawful employment practices described above were done with malice or with reckless indifference to the federally protected rights of Mrs. Tingay.

Prayer for Relief

Wherefore, the Plaintiff respectfully requests that this Court:

- A. Grant a permanent ruling to advise the Defendant, its officers, successors, assigns and all persons in active concert or participation with it, from engaging in any employment practice which retaliates against employees who complain about discrimination;
- B. Order Defendant to put into place and carry out policies, practices, and programs which provide equal employment opportunities for employees who exercise their federally protected rights to complain about discrimination and which eradicate the effects of its past unlawful employment practices;
- C. Order Defendant to make whole Mrs. Tingay by providing appropriate backpay with prejudgment interest, and other affirmative and equitable relief necessary to eradicate the effects of its unlawful employment practices, including but not limited to, rightful-place reinstatement or front pay;
- D. Order Defendant to make whole Mrs. Tingay by providing compensation for past and future pecuniary losses resulting from the unlawful employment practices described above, including but not limited to job search expenses and medical expenses;

Tingay
600 Kosciusko
Manistee, MI 49660

U.S. Dist
110 Mich
Grand R



rick Court
higan st. N.W.

apids, MI
49503